

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

ORDER

Now before the Court are Defendant's Motion to Dismiss (Doc. 30), the Government's Response to Motion to Dismiss (Doc. 32), Defendant's Reply to Government's Response to Defendant's Motion to Dismiss (Doc. 33), and the Report and Recommendation of United States Magistrate Judge (Doc. 34).

Upon careful and independent review of the pending motion and the suggestions filed by the parties in regard to said motion, and a review of the applicable law, the Court ADOPTS the Report and Recommendation of United States Magistrate Judge (Doc. 34) in full. Accordingly, for the reasons articulated herein and by the Magistrate in the Report and Recommendation, Defendant's Motion to Dismiss (Doc. 30) is hereby **DENIED**.

IT IS SO ORDERED.

DATE: April 30, 2008

/s/ Richard E. Dorr